

Remarks

Reconsideration of this Application is respectfully requested. Claims 1-18, and 26-29 are pending in the application, of which claims 1 and 10 are independent. By the foregoing Amendment, claims 1-3, 5-8, 10-12, and 14-17 are sought to be amended and claims 28 and 29 are sought to be added. Claims 19-25 were previously cancelled. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Rejection under 35 U.S.C. § 112

The Examiner, on pages 3-4 of the Final Office Action, has rejected claims 1 and 10 under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. The Examiner states the omitted step as being “encrypting the digital media content.” Applicants respectfully disagree. Applicant’s invention does not require the step of “encrypting the digital media content” because the digital content is being retrieved. Applicant retrieves the digital content in either an encrypted state or a non-encrypted state. If the retrieved digital content is encrypted, then a license is obtained to enable the retrieved encrypted digital content to be decrypted. Thus, “encrypting the digital media content” is not a required step of the present invention because the present invention accepts the digital media content in the format that it is sent, which is either encrypted or non-encrypted. To expedite prosecution, Applicants have amended claims 1 and 10 to make clear that if the

retrieved digital media content is encrypted, a license is obtained in order to decrypt the retrieved digital media content. Applicants therefore respectfully request that the Examiner withdraw this rejection.

Rejection under 35 U.S.C. § 103

The Examiner, on page 4 of the Final Office Action, has rejected claims 1, 2, 5-11, 14-18, and 26-27 under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 5,892,900 to Ginter. Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

With respect to independent claim 1, the Examiner states that Ginter teaches every element of the claim. Applicants respectfully disagree. Applicants respectfully submit that Ginter does not appear to teach Applicants element of: “issuing, by a local license server, the license to the one or more rendering devices according to the usage rules of the license, wherein the retrieved digital media content is capable of being shared amongst the rendering devices.” In fact, Ginter, as cited by the Examiner, does not teach or suggest “issuing … the license to the one or more rendering devices according to the usage rules of the license.”

The Examiner states that Ginter teaches this element of Applicants’ invention at Ginter, col. 111, lines 30-40 and col. 155, lines 38-60. Applicants respectfully disagree. With regards to Ginter, col. 111, lines 30-40, Ginter discloses how a user may specify permissions, rules and/or control information to be applied to a new object being created. *Ginter*, col. 111, lines 23-41. *Ginter*, col. 155, lines 37-60 disclose PERCs or

permissions records. Ginter states that “[i]n a preferred embodiment, no end user may use or access a VDE object unless a permissions record 808 has been delivered to the end user.” *Ginter*, col. 155, lines 52-54. Thus, unlike the present invention, which issues the license to the one or more rendering devices according to the usage rules of the license, Ginter teaches delivering permissions records to the end user.

For at least these reasons, Applicants respectfully submit that the present invention, as recited in claim 1, is patentable over Ginter. Independent claim 10 also recites similar elements to those of claim 1. Therefore, independent claims 1 and 10, and the claims that depend therefrom (claims 2-9, 26, and 28, and 11-18, 27, and 29, respectively), are patentable over Ginter. Reconsideration and withdrawal of this rejection is respectfully requested.

The Examiner, on page 9 of the Office Action, has rejected claims 3-4 and 12-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,892,900 to Ginter in view of U.S. Patent Application No. 20050066353 to Fransdonk. Applicants respectfully traverse this rejection. Claims 3-5 and 12-14 depend from independent claims 1 and 10, respectively, and are patentable over Ginter for at least the reasons stated above. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 3-4 and 12-13.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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